

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INNOVATION LAW LAB, et al.,

Plaintiffs,

v.

KIRSTJEN NIELSEN, et al.,

Defendants.

Case No. [19-cv-00807-RS](#)**ORDER RE BRIEFING SCHEDULE**

Plaintiffs in this action challenge a policy known as “Migrant Protection Protocols” (“MPP”) announced by Secretary of Homeland Security Kirstjen M. Nielsen on December 20, 2018, and implemented at the San Ysidro Port of Entry in California on January 28, 2019. Expansion of the policy to the Eagle Pass Port of Entry in Texas allegedly is imminent, with other Texas locations to follow soon thereafter. The individual plaintiffs have all already allegedly been removed to Mexico pursuant to the policy, although they assert other ongoing and imminent harms arising from the risks they face in Mexico while awaiting further action on their asylum applications. The complaint herein was filed on February 14, 2019. Plaintiffs filed a motion for a temporary restraining order (“TRO”) shortly after 5 p.m. on February 20, 2019.

Plaintiffs propose defendants respond to the motion by 9 a.m. on February 25, 2019, that they reply in support of the motion by 9 a.m. on February 27, 2019 and that a hearing on the motion be held as soon thereafter as possible. Defendants, in turn, propose that the matter be briefed on the ordinary schedule for noticed motions under the Local Civil Rules, with the hearing

1 set at the Court's convenience. Defendants also assert they intend to move to transfer this action
2 to the Southern District of California, and request that the transfer be briefed in conjunction with
3 the TRO, but decided first.

4 In light of the significance of this matter, it is in the interest of all parties that the issues
5 receive careful and full consideration. Although plaintiffs do not appear to have unduly delayed
6 filing either the complaint or the subsequent motion for a TRO, the circumstances suggest the
7 matter does not warrant expedited treatment on as abbreviated a schedule as plaintiffs propose.
8 That said, plaintiffs have alleged ongoing harm and risk allegedly impacting them now such that
9 the motion should be addressed more expeditiously than a routine law and motion matter.

10 Accordingly, the parties are directed to meet and confer forthwith to negotiate a briefing
11 schedule in view of the guidance of this order. The parties are encouraged to stipulate to proceed
12 directly to the preliminary injunction stage, with briefing to be complete within the next
13 approximately 10 days to two weeks, and to include briefing of defendants' motion to transfer in
14 the schedule. In the event such a stipulated briefing schedule is filed, the Court will set a hearing at
15 the earliest possible time following completion of the briefing.

16 In the event the parties are unable to reach agreement, defendants shall file any opposition
17 to the motion for a TRO no later than 5:00 p.m. on February 27, 2019. The matter will then be
18 submitted for decision or set for hearing in the Court's discretion.

19
20
21 **IT IS SO ORDERED.**

22
23 Dated: 2/21/19



RICHARD SEEBORG
United States District Judge